

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY ZAPPIN,

Plaintiff,
against

MATTHEW F. COOPER *et al.*,

Defendants.

No. 20 Civ. 2669 (ER)

**NOTICE OF MOTION
TO DISMISS AND STRIKE**

PLEASE TAKE NOTICE that upon the Declaration of Michael A. Berg, dated January 11, 2021, the exhibits thereto, and the accompanying Memorandum of Law, Defendant the Honorable Matthew F. Cooper will move this Court, before the Honorable Edgardo Ramos, at the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), dismissing this action against him in its entirety, with prejudice, striking the allegations in paragraphs 1, 3, 7-9, 17, 28-31, 54, and 81 of the Amended Complaint, filed November 18, 2020, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order dated December 11, 2020, Plaintiff's opposition papers are due to be filed by February 11, 2021, and defendants' reply papers, if any, are due to be filed by February 25, 2021.

Dated: New York, New York
January 11, 2021

LETITIA JAMES
Attorney General
State of New York
Attorney for State Defendant

By: /s/
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